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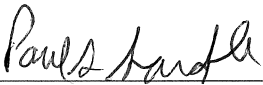
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Memo Endorsed: The conference scheduled for May 5, 2022 is adjourned to June 2, 2022 at 11:00 a.m. in Courtroom 705 of the Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, New York.

BY ECF:

SO ORDERED.

Hon. Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007


Paul G. Gardephe
United States District Judge
Dated: May 4, 2022

Re: The Travelers Indemnity Company of America v. Starr Indemnity & Liability Company
Case Number: 21-cv-06660-PGG

Dear Judge Gardephe:

This firm represents the plaintiff, The Travelers Indemnity Company of America ("Travelers"), in the above referenced matter. I write with the permission of Defendant Starr Indemnity & Liability Company ("Starr") to provide this Court with certain information as directed in the Order dated April 13, 2022.

Brief Statement of the Nature of the Action and Principal Defenses. Travelers brought this declaratory judgment action seeking additional insured coverage for its named insured, TDX Construction Corporation ("TDX") and two additional insureds that it is currently defending in an underlying personal injury lawsuit (the "Underlying Action"). More specifically, the plaintiff in the Underlying Action ("Claimant") alleges that he was injured when he stepped on a pipe and fell near the intersection of West 168th Street adjacent to the building known as 1150 St. Nicholas Avenue, New York, New York. The City of New York (the "City") owns the location where the alleged accident took place, and The Trustees of Columbia University in the City of New York ("Columbia") owned the project that was taking place at the location of the alleged accident (the "Project"). TDX provided certain services on the project for Columbia, and Starr's named insured, Ruttura & Sons Construction Co. ("Ruttura") subcontracted with TDX to provide certain services on the Project. Claimant has named TDX, the City, Columbia, and Ruttura as defendants in the Underlying Action, and Travelers is defending TDX, the City, and Columbia in that action.

Not a Partnership or Professional Corporation. All attorneys are Employees of The Travelers Indemnity Company and its Property Casualty Affiliates.

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Travelers asserts that all three parties that it is defending are entitled to additional insured coverage on a primary and non-contributory basis for the Underlying Action under the policy issued by Starr to Ruttura, including because of the written contract between TDX and Ruttura and due to permits issued to Ruttura for work on the project by the City.

Starr asserts that in order for a party to qualify as an additional insured on the Starr Policy in accordance with its Blanket Additional Insured Owners, Lessees or Contractors Endorsement, Ruttura must be required by a written contract that the party would be included as an additional insured on Ruttura's insurance coverage and that party's liability must have been caused, in whole or in part, by Ruttura's work at the designated location. With regard to additional insured coverage for the City, Starr asserts that there is no provision in the contract between Ruttura and TDX requiring additional insured coverage for the City. With regard to additional insured coverage for all three tendering parties, Starr asserts that the requirement that the liability must have been caused, in whole or in part, by Ruttura's work has not been satisfied.

Contemplated Motions. There are no contemplated motions at this time.

Prospect for Settlement. The parties believe they are close to finalizing a settlement in principle and have just a few details of that settlement that need to be resolved. For that reason, the parties do not believe a new Civil Case Management Plan is necessary, but provide a draft one here in the event the Court believes otherwise. For this reason, as well, the parties respectfully request that the status conference scheduled for May 5, 2022, be adjourned for 30 days, to allow the parties time to complete the settlement, which the parties hope will result in voluntary dismissal of this action and avert the need for further Court intervention.

Very truly yours,

/s/ Amy C. Gross

Amy C. Gross

Encl.

Cc: Andrew I. Mandelbaum (by ECF)

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